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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the Coalition Against Trafficking in Women, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 January 2001]

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*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

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ENG

1. Trafficking in women for the purpose of prostitution and sexual exploitation is a serious international crime of increasing global magnitude. The United Nations Programme against Trafficking in Human Beings estimates that more than a million women and children are victims of trafficking around the world each year.

2. The sex industry has developed into one of the fastest growing global enterprises, after the drug and arms trade, with a multi-billion dollar yearly profit. Well-organized local, regional and international organized crime networks recruit and transport women to sex industry markets around the world for buyers who demand more and different women and children for commercial sex.

3. Trafficking in women for the purpose of prostitution takes place both within countries and over national borders, with the majority of women being trafficked from countries in the South, from Eastern Europe and the countries in former Soviet Union, into local sex industry markets in countries in the North.

4. Although there have been efforts to de-link trafficking and prostitution, most women who are trafficked, are recruited, transported, sold or purchased for the specific purpose of prostitution and sexual exploitation. Moreover, a large number of women trafficked for domestic labour often end up being sexually exploited, with many of these women recruited into the sex industry.

5. The majority of women in prostitution are economically and racially marginalized, and often victims of prior male sexual violence. They are recruited into prostitution because of an absence of real, reasonable alternatives. Women from the most oppressed and vulnerable groups in society are the most likely to be over-represented in systems of prostitution.

6. The 1949 *Convention for the Suppression of the Traffic in Person and of the Exploitation of the Prostitution of Others* ("1949 *Convention*"), states that trafficking and prostitution are incompatible with the dignity and worth of the human person.

7. The *Beijing + 5 Outcomes Document*, Articles 59 and 60, supports the principle that trafficking and prostitution are practices of violence against women, reinforcing the *Declaration on the Elimination of Violence Against Women* (A/RES/48/104).

8. The *Convention on the Elimination of All Forms of Discrimination Against Women*, signed by the majority of United Nations member States, declares that States must "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women" (Article 6).

9. Despite the increasing understanding and agreement that trafficking and prostitution seriously violate women's human rights, and is violence against women, some countries have legalized prostitution; and others are considering regulating this age old form of slavery in order to increase their taxation base and allegedly bring it under legal control. Yet countries which have legalized prostitution have the highest number of trafficked women.

10. The Working Group on Contemporary Forms of Slavery continues to play an important role as a human rights monitor in the area of prostitution, trafficking of women and other slavery-like practices. Its members have made it possible for non-governmental organizations to voice their concerns, and victims of contemporary forms of slavery, including survivors of prostitution, to testify about their experiences.

11. The newly finalized *Convention Against Transnational Organized Crime* ("*Convention of Palermo* ") with its additional *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* ("*Trafficking Protocol*"), reinforces the 1949 *Convention*, and is a 21st century United Nations instrument that offers increased protection for women who are trafficked for the purposes of prostitution and sexual exploitation, as well as other forms of trafficking. The *Convention* and its *Protocols* were opened for signature to United Nations member States in Palermo, Italy in December 2000. Of the 120 countries that signed on to the *Convention*, 80 also signed the *Trafficking Protocol*.

12. This new *Convention of Palermo*, together with the critically important 1949 *Convention*, establishes the parameters for international judiciary cooperation against transnational organized crime, and creates an international judicial regime under which traffickers can be held accountable for their crimes.

13. The *Trafficking Protocol*, based on accepted human rights principles, affords protection to all victims who were trafficked, not simply those who can prove force, by stating that "abuse of power or of a position of vulnerability" is a means of trafficking; and that the consent of a victim of trafficking "shall be irrelevant."

14. For the first time in an international instrument, those who create the demand for sexual and all forms of exploitation are mentioned. In implementing measures to prevent trafficking, "States shall adopt or strengthen legislative or other measures... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking"(Article 9.5 of the *Trafficking Protocol*).

15. This new *Trafficking Protocol*, and the adoption of a strong definition of trafficking, is a significant and defining milestone for the human rights of women in the 21st century. It is consistent with the human rights principles expressed in the 1949 *Convention*, the *Convention on the Elimination of Discrimination Against Women* (CEDAW) and the *Convention on the Rights of the Child*, among others.

CONCERNS

1. We encourage States to ensure that their actions to prevent the international trafficking in women and children do not "inhibit immigration or freedom of travel consistent with laws," especially the ability of women to migrate; and that they do not "undercut the protection provided to refugees in international law" (See the Secretary General's 1998 report on trafficking in women and girls, A/53/409, para. 22).

2. We note with great concern the report on trafficking in women (E/CN.4/2000/68) presented at the 56th Session of the Commission on Human Rights by the Special Rapporteur on Violence against Women, which introduces a definition of "forced" trafficking that is inconsistent with the 1949

Convention, as well as with the newly adopted *Trafficking Protocol*. The Special Rapporteur's report affirms an outmoded and repressive standard of distinguishing between forced and so called "voluntary trafficking," thereby laying the groundwork for "voluntary" prostitution as "sex work." Of equal concern is the Special Rapporteur's rejection of the 1949 *Convention* and her misinterpretation that this critical instrument "does not take a human rights approach."

3. Any society that claims to defend principles of political, economic and social equality for women must reject the idea that women's and girls' bodies are commodities that can be bought and sold. To do otherwise is to allow that a separate class of females, especially women who are economically and racially marginalized, is excluded from the universal protection of human dignity enshrined in the body of international human rights instruments developed during the last fifty years.

RECOMMENDATIONS

The Coalition Against Trafficking in Women, therefore, urges:

(a) the Commission on Human Rights to endorse the recommendations of the Sub-Commission on the Promotion and Protection of Human Rights and the Working Group on Contemporary Forms of Slavery (E/CN.4/SUB.2/2000/19) in its entirety, with special attention to the comments regarding the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, the 1949 *Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*, and the report of the Special Rapporteur on Violence Against Women;

(b) the Commission on Human Rights to endorse a human rights approach that discourages and takes measures to combat male demand for trafficking, prostitution and sexual exploitation;

(c) the Commission on Human Rights to state clearly and unequivocally that prostitution and trafficking in women for the purposes of prostitution and sexual exploitation violate the human rights of any women. This, regardless of whether women were forced by traffickers or driven into prostitution as a result of prior sexual abuse, poverty, and oppression/inequality;

(d) the Commission to call upon other United Nations bodies to take a similar approach;

(e) the Commission on Human Rights to recommend that Governments conclude bilateral, sub-regional, regional and international agreements to address the problem of trafficking in women for prostitution, especially the *Convention Against Transnational Organized Crime* and its additional *Trafficking Protocol*, and the 1949 *Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.*